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**REISSUE APPLICATION DECLARATION BY THE INVENTOR**

Docket Number (optional)

0315-000505/REA

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name. I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,672,846, granted January 6, 2004 and for which a reissue patent is sought on the invention entitled CAPACITY MODULATION FOR PLURAL COMPRESSORS,

the specification of which

☐ is attached hereto.

☒ was filed on March 22, 2004 as reissue application number 10/806,087

and was amended on August 4, 2005, April 28, 2006, August 16, 2006, April 19, 2007, and December 4, 2007.

(if applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Applicants did not claim the subject matter of a scroll machine including a first capacity modulation system for applying a force to a second scroll member to move the second scroll member between a first position where a first scroll compressor operates at substantially full capacity and a second position where the first scroll compressor operates at substantially zero capacity in combination with an oil sump being disposed between an outer shell and a mounting frame. See the specification at Col. 3, Ins. 4-24; Col. 4, Ins. 25-33; and Figure 12. Claim 76 now recites a scroll machine including a first capacity modulation system for applying a force to a second scroll member to move the second scroll member between a first position where a first scroll compressor operates at substantially full capacity and a second position where the scroll compressor operates at substantially zero capacity and further recites an oil sump disposed between an outer shell and a mounting frame. See Claim 76 at Ins. 26-30. While independent Claim 1, as issued, recited an oil sump disposed between an outer shell and a mounting frame and Claim 31, as issued, recited a first scroll compressor operable between substantially full capacity and substantially zero capacity, none of the claims of U.S. Patent No. 6,672,846 recited the above-described combination. For the foregoing reasons, this is a broadening reissue.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR page 2)

Docket Number (Optional)  
0315-000505/REA

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/81

Correspondence Address: Direct all communications about the application to:

☒ The address associated with Customer Number:

27572

OR

☐ Firm or  
Individual Name

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WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents files in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/application is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Rajan Rajendran

Inventor's Signature

Date

7/24/08

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Citizenship

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1021 KENWORTHY PLACE

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John P. Sheridan

Inventor's Signature

Date

7/24/08

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Citizenship

United States of America

Mailing Address

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☒ Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.

**DECLARATION****ADDITIONAL INVENTOR(S)  
Supplemental Sheet**Page 1 of 1

<b>Name of Additional Joint Invention, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Carl H.				Knapke			
Inventor's Signature <i>Carl H Knapke</i>						Date <i>7/24/08</i>	
Residence: City Maplewood		State Ohio		Country U.S.A.		Citizenship United States of America	
Mailing Address 19542 St. Rt. 47							
City	Maplewood	State	Ohio	Zip	45340	Country	U.S.A.
<b>Name of Additional Joint Inventor, if any</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Mailing Address							
City		State		Zip		Country	
<b>Name of Additional Joint Inventor, if any</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Mailing Address							
City		State		Zip		Country	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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